

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKIn the Matter of
THE ARBITRATION
betweenTHE TRUSTEES OF THE
UNITE HERE NATIONAL HEALTH FUND and
THE TRUSTEES OF THE
UNITE HERE NATIONAL RETIREMENT FUND,
Petitioners,
and
TRUTHFUL FASHION INC.,
Respondent.STANTIS

DEFAULT JUDGMENT
07 Civ. 3898 (LLS)USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/10/07

The Trustees of the UNITE HERE National Health Fund and The Trustees of the UNITE HERE National Retirement Fund (hereinafter, the "Petitioners") having commenced the within proceeding on May 18, 2007 by filing a Petition to Confirm the Arbitration Award of Philip Ross, dated February 27, 2007 (hereinafter, the "Petition"), and Truthful Fashion Inc. (hereinafter, the "Respondent") having been duly served on May 22, 2007 with a copy of the Petition to Confirm Arbitration Award, Notice of Petition and Memorandum of Law by regular mail and certified mail, return receipt requested, and proofs of such service having been filed on May 22, 2007, and Respondent having failed to appear, answer or otherwise move with respect to the Petition; and

In light of the fact that the Court is being asked to confirm a default arbitration award and in accordance with the Second Circuit opinion in D. H. Blair & Co., Inc. -v- Gottdiener, 462 F.3d 95 (2d Cir. 2006), this Court has examined the record upon which the underlying arbitration award was based and finds that the record supplied to the arbitrator is a sufficient basis for the award.; and

NOW, THEREFORE, upon application of the Petitioners and upon reading the annexed Affidavit of Mark Schwartz, Esq. duly sworn the 3rd day of July 2007 and the Certificate of J. Michael McMahon, Clerk of Court, United States District Court for the Southern District of New York, noting the default of the above named Respondent for failure to appear, answer or otherwise move with respect to the Petition, it is hereby,

ORDERED, ADJUDGED AND DECREED, that the Arbitration Award of Philip Ross, dated February 27, 2007, be confirmed; and it is further.

ORDERED, ADJUDGED AND DECREED, that Petitioners, the Trustees of the UNITE HERE NATIONAL HEALTH FUND, have Judgment against Respondent Truthful Fashion Inc. on the Award in the principal amount of \$14,377.02 for delinquent contributions, \$3,168.79 for interest thereon through the date of the Award, \$50.00 for the

Arbitrator's fees, \$100.00 for a default fee as provided in Article 8, Section 5(b) of the agreement underlying the Award, \$75.00 for legal fees, and \$482.12 for pre-judgment interest from the date of the Award to July 13, 2007, for a total of \$18,252.93; and it is further

ORDERED, ADJUDGED AND DECREED that Petitioner Trustees of the UNITE HERE NATIONAL RETIREMENT FUND have judgment against Respondent Truthful Fashion, Inc. on the Award in the principal amount of \$1,532.93 for delinquent contributions, \$438.77 for interest thereon through the date of the Award, \$50.00 for the arbitrator's fees, \$100.00 for a default fee as provided in Article 8, Section 5(b) of the agreement underlying the Award, \$75.00 for legal fees, \$51.40 for pre-judgment interest from the date of the Award to July 13, 2007, for a total of \$2,248.10; and it is further

ORDERED, ADJUDGED AND DECREED that Petitioners the Trustees of the UNITE HERE NATIONAL HEALTH FUND and the Trustees of the UNITE HERE NATIONAL RETIREMENT FUND have judgment against Truthful Fashion Inc. for \$350.00 as costs of the instant proceeding.

Dated: July 9, 2007
New York, New York

Louis L. Stanton
Louis L. Stanton
United States District Court Judge

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**